

REMARKS

In the Office Action, the Examiner rejected claims 1 – 10 and 12 – 20 and objected to claims 9 and 12 – 20. With this Amendment, claims 1, 8, 9, 12, and 19 have been amended, claim 7 has been canceled, and claim 21 has been added. The application now includes claims 1 – 6, 8 – 10, and 12 – 21.

CLAIM OBJECTIONS

The Examiner objected to claims 9 and 12 – 20 because of various informalities. With this Amendment, Applicant has amended the claims in accordance with the Examiner's instructions. Therefore, it is respectfully requested that the objection to claims 9 and 12 – 20 be withdrawn and that claims 9 and 12 – 20 be held allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112

The Examiner rejected claims 1 – 10 under 35 U.S.C. § 112, second paragraph, as being indefinite. With this Amendment, Applicant has amended the claims in accordance with the Examiner's instructions. Therefore, it is respectfully requested that the rejection of claims 1 – 10 under 35 U.S.C. § 112, second paragraph, be withdrawn and that claims 1 – 10 be held allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

The Examiner rejected claims 12 and 16 – 18 under 35 U.S.C. § 102(b) as being anticipated by the Kilo et al patent.

In this Amendment, Applicant has amended the claims to better define the invention of the present application. In particular, Applicant has amended claim 12 to claim a first side portion, a second side portion, and linear groove means separating the first side portion from the main body portion and the second side portion from the main body portion for allowing the first side portion and the second side portion to move relative to the main body portion allowing the clip device to generally conform to any curvature of the object.

The Kilo et al patent neither teaches or suggests the assembly as claimed in claim 12 of the present application. In the Office Action, the Examiner stated that the Kilo et al patent "lacks

a pattern of grooves”. Therefore, it is respectfully requested that the rejection of claims 12 and 16 – 18 under 35 U.S.C. § 102(b) be withdrawn and that claims 12 and 16 – 18 be held allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 1 – 6, 10, 13 – 15, and 20

The Examiner rejected claims 1 – 6, 10, 13 – 15, and 20 under 35 U.S.C. § 103(a) as being unpatentable over the Kilo et al patent in view of the Saarikko et al patent.

In this Amendment, Applicant has amended the claims to better define the invention of the present application. In particular, Applicant has amended claim 1 to claim a first groove and a second groove extending linearly along the length of the bottom surface of the main body with the first groove being substantially parallel to the second groove. The first groove and the second groove define wing portions with the wing portions movable relative to the main body along the first groove and the second groove allowing the clip device to generally conform to any curvature of the object.

The Kilo et al patent neither teaches or suggests the clip device as claimed in claim 1 – 6, 10, 13 – 15, and 20 of the present application. In fact, in the Office Action, the Examiner stated that the Kilo et al patent “lacks a pattern of grooves”. Therefore, it is respectfully requested that the rejection of claims 1 – 6, 10, 13 – 15, and 20 under 35 U.S.C. § 103(a) be withdrawn and that claims 1 – 6, 10, 13 – 15, and 20 be held allowable.

Claim 19

The Examiner rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over the Kilo et al patent in view of the Grose patent.

Since claim 12 has been amended to claim linear groove means separating the first side portion from the main body portion and the second side portion from the main body portion for allowing the first side portion and the second side portion to move relative to the main body portion allowing the clip device to generally conform to any curvature of the object, Applicant will discuss claim 12 with the rejection of claim 19.

The Grose patent adds nothing to the Kilo et al patent to render the claims of the present application obvious. The Grose patent merely describes a stethoscope carrier having ear piece retaining grooves. As stated in the Grose patent, “the vertical ear piece retaining grooves 12 provide a space into which the ear pieces of a stethoscope can be clipped”. The grooves 12 are not linear but rather gently curve to conform to the ear pieces of the stethoscope. Furthermore, due to this curvature, the grooves 12 of the Grose patent do not allow the groove keeper 28 to move relative to the main body 10 to conform to any curvature of the object to which the main body 10 is attached.

Therefore, since neither the Kilo et al patent nor the Grose patent either teach or suggest the it is respectfully requested that the rejection of claim 19 under 35 U.S.C. § 103(a) be withdrawn and that claim 19 be held allowable.

Claims 7 – 9

The Examiner rejected claims 7 – 9 under 35 U.S.C. § 103(a) as being unpatentable over the Kilo et al patent in view of the Saarikko et al patent and further in view of the Grose patent.

Since claim 1 has been amended to claim a first groove and a second groove extending linearly along the length of the bottom surface of the main body with the first groove being substantially parallel to the second groove and the first groove and the second groove defining wing portions with the wing portions movable relative to the main body along the first groove and the second groove allowing the clip device to generally conform to any curvature of the object, Applicant will discuss claim 1 with the rejection of claims 7 – 9.

The Grose patent adds nothing to the Kilo et al patent or the Saarikko et al patent to render the claims of the present application obvious. As stated above, the Grose patent merely describes a stethoscope carrier having ear piece retaining grooves. As stated in the Grose patent, “the vertical ear piece retaining grooves 12 provide a space into which the ear pieces of a stethoscope can be clipped”. The grooves 12 are not linear but rather gently curve to conform to the ear pieces of the stethoscope. Furthermore, due to this curvature, the grooves 12 of the Grose patent do not allow the groove keeper 28 to move relative to the main body 10 to conform to any curvature of the object to which the main body 10 is attached.

Therefore, since neither the Kilo et al patent, the Saarikko et al patent, nor the Grose patent either teach or suggest the it is respectfully requested that the rejection of claims 7 – 9 under 35 U.S.C. § 103(a) be withdrawn and that claims 7 – 9 be held allowable.

CONCLUSION

In conclusion, it is believed that the present application is in condition for consideration and allowance. Consideration and allowance of claims 1 – 6, 8 – 10, and 12 – 21 are respectfully requested.

Respectfully submitted,

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